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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/669,052	09/24/2003	Masaya Adachi	503.39455CX1	4000	
20457 7.	590 12/02/2004		EXAMINER		
	I, TERRY, STOUT & SEVENTEENTH STRI	CRUZ, M	CRUZ, MAGDA		
SUITE 1800			ART UNIT	PAPER NUMBER	
ARLINGTON,	VA 22209-9889		2851		

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## ADACHI ET AL Examinar		Application No.	Applicant(s)				
Magda Cruz 2851 Mag		10/669,052	ADACHI ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Examinor of time may be available under the provisions of 30 CPR 1.156(s). In no event, however, may a reply be limely filled If the period for reply is pecified above, the maintains statistory period will apply and will expire SK(6) MONTHS from the mailing date of this communication (specified bove). The maintain desirable price of the period will apply and will expire SK(6) MONTHS from the mailing date of this communication (specified bove). The maintain data of the communication, went if through filled, may reduce any seamed patent terms adjustment. See 37 CPR 1.704(s). Status 1 M Responsive to communication(s) filled on 24 February 2004. 2a This action is FINAL. 2b This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 21-38 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) 21-38 is/are rejected. 7) Claim(s) 21-38 is/are rejected to. 8) Claim(s) 21-38 is/are rejected to. 10 The drawing(s) filed on 24 September 2003 is/are: a) accepted or b objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10 The drawing(s) filed on 24 September 2003 is/are: a) accepted or b objected to by the Examiner. Application Papers 9) The drawing(s) filed on 24 September 2003 is/are: a) accepted or b objected to by the Examiner. 10 The drawing(s) filed on 24 September 2003 is/are: a) accepted or b objected to by the Examiner. 10 The drawing(s) filed on 24 September 2003 is/are: a) accepted or b objected to by the Examiner	Office Action Summary	Examiner	Art Unit	100			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of lines may be available under the provisions of 37 CFR 1.35(a). In ne avent, however, may a reply be timely filed - Extensions of lines may be available under the provisions of 37 CFR 1.35(a). In ne avent, however, may a reply be timely filed - Extensions of lines may be available under the provisions of 37 CFR 1.35(a). In ne avent, however, may a reply be timely filed - Extension of the provision of the provisions of the provisions of 37 CFR 1.35(a). The provision of 1.35 can be available under the provisions of 37 CFR 1.35(a). The provision of 1.35 can be available under the mailing date of this communication, even if timely filed, may reduce a my seating platent term adjustment. See 37 CFR 1.704(b). - Status - IMD Responsive to communication(s) filed on 24 February 2004. - 2a) This action is FINAL. - 2b) This action is non-final. - 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. - Disposition of Claims - 4) Claim(s) 21-38 is/are pending in the application. - 4a) Of the above claim(s) is/are withdrawn from consideration. - 5) Claim(s) is/are allowed. - 5) Claim(s) is/are allowed. - 6) Claim(s) is/are allowed. - 7) Claim(s) is/are allowed. - 8) Claim(s) are subject to restriction and/or election requirement. - Application Papers 9) The specification is objected to by the Examiner. - 10) The drawing(s) filed on 24 Sentember 2003 is/are: a) accepted or b) objected to by the Examiner. - Application Papers 9) The specification is objected to be the frawing(s) be held in abovance. See 37 CFR 1.35(a). - Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to See 37 CFR 1.52(d). - 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action o				<u> </u>			
THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 3 CFR 1.136(a). In no event, however, may a reply be timely filed after SK (6) MONTHS from the mailing date of this communication. Failure for Grayl specified species lies then then the (20) days, a reply which the statistory minimum of this (30) days will be considered friently. Failure for reply which the set of extended period for reply will, by statistic, cause the application to become ABANDONED (35 U.S. 0, § 133). Any reply received by the Office met then three months after the mailing date of this communication, even if timely filed, may reduce any caused patent term adjustment. See 37 CFR 1.704(a). Status 1) Responsive to communication(s) filed on 24 February 2004. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 21-38 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are subjected to the examiner. 7) Claim(s) is/are subject to restriction and/or election requirement. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. 8 of Creating to the desire of the priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) Mone of: 1 Certified copies of the priority documents have been received in Application No. 09/743.495. 3 Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). **Natachment(s)**		ears on the cover sheet with the c	orrespondence add	ress			
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DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 02/24/2004 and 04/27/2004 has being considered by the examiner.

Double Patenting

2. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

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3. Claims 21 and 30 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 6,650,472 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because:

- a. Claim 21 reads on column 45, lines 33-42.
- b. Claim 30 reads on column 45, lines 13, 20 and 33-42.

Claim Objections

4. Claims 22-29 and 31-38 are objected to as being dependent upon a rejected base claim.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Watanabe et al. (US Patent Number 6,261,402 B1) discloses a planar type lens manufacturing method.

6. No prior art can be found to meet the limitations as recited in claims 21 and 30, therefore, there is no art rejection regarding said claims and the respective dependent claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Magda Cruz whose telephone number is (571) 272-

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2114. The examiner can normally be reached on Monday through Thursday 8:00-5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571) 272-2258. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JUDY NGUYEN
PRIMARY EXAMINER

Magda Cruz Patent Examiner November 23, 2004